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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,068	09/27/2001	Ann Rhee	266/202	7381

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EXAMINER	
WU, QING YUAN	
ART UNIT	**PAPER NUMBER**
2126	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/967,068	RHEE ET AL.	
	Examiner	Art Unit	
	Qing-Yuan Wu	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/15/02*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/15/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are pending in the application.

2. To insure proper consideration and to the extent required by 37 CFR 1.56, applicant is required to update the information hereby incorporated by reference (e.g. including the patent numbers of parent applications 09/141,664, titled "Pluggable Resource Scheduling Policies" and 09/141,666, titled "Resource Scheduler" in the specification, pg. 1).

3. Priority is claimed as a continuation-in-part pursuant to 35 U.S.C. § 120. The examiner acknowledges the priority claim and notes that only claims in a continuation-in-part application that is directed solely to subject matter adequately disclosed in the parent non-provisional application is entitled to the benefit of the filing date of the parent non-provisional application (MPEP § 201.11, section VI).

4. As to independent claims 1 and 9, examiner is unable to find proper disclosure of the limitations in the parent non-provisional application (i.e. quiescing resource consumer activity, preventing new activity, continuing already-running activity). Therefore, the above claims are rejected based on filing date 9/27/01.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 10, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claim language is indefinite:

i. As per claim 2, it is uncertain whether "a first resource consumer" in line 2 refers to "a first resource consumer" in claim 1, line 3 (i.e. if they are the same then "said" or "the" should be used and "the first resource consumer" must be used throughout all the claims).

ii. As per claims 10 and 18, these claims are rejected for the same reason as claim 2 above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by DeKonig (U.S. Patent 6,085,333).

9. As to claims 1 and 9, DeKonig teaches quiescing resource consumer activity in a computer system [col. 8, line 12], comprising:

preventing a first resource consumer from starting new activity on the computer system [col. 8, lines 12-13; col. 10, lines 7-8]; and

allowing a second resource consumer to continue already-running activity on the computer system [col. 8, line 13-14; col. 10, lines 8-9].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 2, 4, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKonig as applied to claims 1 and 9 above, in view of Harris et al (hereafter Harris) (U.S. Patent 6,438,704).

12. As to claims 2 and 10, DeKonig does not specifically teach wherein an active session limit applicable to the resource consumer exists. However, Harris teaches limiting a particular user's CPU usage to an absolute value, so that their consumption does not exceed the limit value [Harris, abstract; col. 2, lines 29-36; col. 4, lines 6-11; 52, Fig. 6] (Examiner is unable to find

proper disclosure of the following limitation, "active session limit" in the parent non-provisional application for claim 2. Therefore, it is rejected based on the application filing date of 9/27/01).

13. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of DeKonig with the teaching of Harris, because the teaching of Harris prevent exhaustion of available resources by setting a limit for each consumer.

14. Furthermore, DeKonig in view of Harris does not specifically teach wherein preventing a first resource consumer from starting new activity comprises setting the active session limit applicable to that resource consumer to zero. However, Harris disclosed an administrator specifies a user resource limit in an absolute value [Harris, abstract; col. 2, lines 29-36; col. 4, lines 6-11].

15. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the absolute value associated with any user's resource limit is configurable by the administrator to start or stop user's activity.

16. As to claims 4 and 12, DeKonig as modified does not specifically teach wherein the prevented activity is queued. However, Harris disclosed a work queue for queuing works that are waiting to be service by the resource [Harris, col. 6, lines 17-36; 42, Fig. 2]. In addition, it is well known in the art to queue un-serviced requests.

17. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeKonig as applied to claims 1 and 9 above, in view of Jones et al (hereafter Jones) (U.S. Patent 6,003,061).

18. As to claim 17, this claim is rejected for the same reason as claim 1 above. In addition, DeKonig does not specifically teach a resource plan, the resource plan identifying a first resource consumer and a second resource consumer, among which a computer system resource is to be allocated and specifying an allocation of the resource among the first resource consumer and the second resource consumer, and a scheduler for allocating the resource among the first resource consumer and the second resource consumer according to the resource plan.

19. However, Jones teaches a resource plan [Jones, col. 5, lines 38-52], the resource plan identifying a first resource consumer and a second resource consumer, among which a computer system resource is to be allocated and specifying an allocation of the resource among the first resource consumer and the second resource consumer [Jones, col. 5, line 66-col. 6, line 40], and a scheduler for allocating the resource among the first resource consumer and the second resource consumer according to the resource plan [Jones, col. 6, lines 8-17].

20. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of DeKonig with the teaching of Jones, because the teaching of Jones enhances the teaching of DeKonig by providing a resource managing or planning functionality for allocating limited resources to requesting clients.

21. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKonig, in view of Jones, and further in view of Harris.

22. As to claim 18, this claim is rejected for the same reason as claims 2 and 17 above. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have applied the teaching of Harris to the invention of DeKonig as modified by Jones because the teaching of Harris prevent exhaustion of available resources by setting a limit for each consumer.

23. As to claim 20, this claim is rejected for the same reason as claims 4, 17 and 18 above.

24. Claims 3, 8, 11, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKonig, in view of Jones, and further in view of Fong et al (hereafter Fong) (U.S. Patent 6,263,359).

25. As to claims 3 and 11, DeKonig as modified teaches a resource planner applying a policy to a request that grants access to a resource to an activity while denying others [Jones, col. 5, lines 53-65]. DeKonig as modified does not specifically teach a first group of resource consumers, a second group of resource consumers. However, Fong teaches requesters requesting resources are grouped in classes [Fong, abstract, lines 1-6; col. 2, lines 1-5; col. 14, lines 29-33; Fig. 1].

26. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have applied the teaching of Fong to the invention of DeKonig as modified by Jones because the teaching of Fong would further enhance the functionality of DeKonig as modified by serving consumer requests based on priority.

27. As to claims 8 and 16, these claims are rejected for the same reason as claim 3 above. In addition, DeKonig as further modified teaches the invention substantially as claimed including the computer system operating according to a first resource plan [DeKonig, abstract, lines 3-8; Jones, col. 5, lines 38-52], comprising:

replacing the first resource plan with a second resource plan [DeKonig, abstract, lines 3-8].

28. As to claim 19, this claim is rejected for the same reason as claims 3 and 17 above.

29. Claims 5-7, 13-15, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKonig, Jones, and Fong, further in view of Harris.

30. As to claims 5 and 13, these claims are rejected for the same reason as claims 1-3 above. In addition, DeKonig as modified by Jones and Fong teaches the invention substantially as claimed including the first resource consumer group comprising one or more resource consumers [Fong, col. 4, lines 12-25]. It would have been obvious to one of an ordinary skill in the art at

the time the invention was made to have applied the teaching of Harris to the invention of DeKonig as modified by Jones and Fong because the teaching of Harris prevent exhaustion of available resources by setting a limit for each consumer.

31. As to claims 6 and 14, these claims are rejected for the same reason as claims 1-3 above.

32. As to claims 7 and 15, these claims are rejected for the same reason as claim 4 above.

33. As to claim 21, this claim is rejected for the same reason as claims 5 and 17 above.

34. As to claim 22, this is a system claim that corresponds to method claim 6. Therefore, it is rejected for the same reason as claim 6 above.

35. As to claim 23, this is a system claim that corresponds to method claim 7. Therefore, it is rejected for the same reason as claim 7 above.

36. As to claim 24, this claim is rejected for the same reason as claims 3, 8 and 21 above.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2126

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